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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/757,424	01/11/2001	David Bain	59BAI002.C11	1307
21919	7590	05/19/2005	EXAMINER	
MEREK, BLACKMON & VOORHEES, LLC 673 S. WASHINGTON ST. ALEXANDRIA, VA 22314			MEINECKE DIAZ, SUSANNA M	
			ART UNIT	PAPER NUMBER
			3623	

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of Non-Responsive Reply

1. The reply filed on February 10, 2005 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): In response to the pending restriction/election requirement, Applicant elected Species II; however, Applicant added new claims directed to Species I, thereby necessitating the same restriction/election requirement on a different set of claims. Applicant traverses the restriction on the grounds that multiple species may be searched if the examination of all species may be performed without placing undue burden on the examiner. However, Applicant fails to properly challenge the restriction. As stated in the restriction/election requirement, "Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case." Applicant has not met this burden; therefore, Applicant's challenge is moot. Furthermore, the Examiner maintains that a search of both species would be burdensome because the two species set forth varying methodologies of utilizing a feedback-type web site. This assertion is supported by Applicant's own disclosure. Species I is described as one embodiment (see page 2, first paragraph and pages 4-9 of the specification) while Species II is described as a different embodiment of the invention (see page 2, second paragraph and pages 10-11 of the specification). Applicant's disclosure does not explain how both species could or would be integrated and utilized together; therefore, the Examiner submits that the identification of two



Art Unit: 3623

separate species in the claims is proper. Applicant is advised to elect one species and set forth only claims that are directed to the elected species.

See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Conclusion

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susanna M. Diaz whose telephone number is (571) 272-6733. The examiner can normally be reached on Monday-Friday, 10 am - 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Susanna M. Diaz
Primary Examiner
Art Unit 3623

May 14, 2005